

REMARKS

Claims 1-7 and 9-14 are currently pending in the application, with claims 1 and 13 being independent. Claims 2-4 and 7 are withdrawn as being directed to a non-elected species. Claims 1 and 13 have been amended to better define the present invention. Claim 8 has been cancelled without prejudice or disclaimer of the subject matter recited therein.

Applicant respectfully requests favorable consideration in light of the claim amendments and remarks presented herein and earnestly solicit timely allowance of the pending claims.

Claim Rejections – 35 USC §102

Claims 1, 5, 6, 8-10, and 13 are rejected under 35 USC 102(b) as being anticipated by US Patent No. 6,740,606 to Umezawa et al. (“Umezawa”). Applicant submits the Examiner has failed to establish a *prima facie* case of anticipation and respectfully traverses this rejection.

Umezawa merely discloses a laminated sheet having electromagnetic wave shielding effects (Abstract). The shielding properties are obtained by embedding a conductive mesh 3 within a thermoplastic resin layer 2 to form a laminated sheet (col. 3, lines 4-7; Fig. 3). Umezawa further discloses embodiments wherein the resin an acrylic-type resin having superior hardness and durability characteristics (col. 5, lines 4-19).

However, Umezawa fails to disclose, at least, “a heat resistant elastic member arranged around an electromagnetic wave generating unit to provide cushioning for protection from physical shock and radiate heat generated by the electromagnetic wave generating unit,” as recited in claim 1, and “a heat radiating receptacle which radiates heat generated by a content not

to heat up the content, and provides cushioning for protection from physical shock,” as recited in claim 13.

Umezawa is distinguished from the present invention in that Umezawa discloses laminate sheets, which are based upon an acrylic-type resin having superior hardness and durability characteristics (col. 5, lines 15-19). Additionally, Umezawa discloses a variety of applications for their laminate sheets, including one embodiment, which is a board-like product arranged on a front surface of a CRT (col. 12, lines 41-43); a plurality of rigid laminate sheets fabricated using ultrasonic wave adhesion to form a box, which has electromagnetic wave shielding properties and antistatic properties (col. 12, lines 49-50; col. 13, lines 1-5); a thin flexible laminate sheet approximately .2 mm in thickness (col. 13, lines 38-49; Fig. 3), which may be layered, and cut to a desired size and bonded using ultrasonic waves to form a bag-shaped cover for shielding medical devices (col. 13, lines 63 to col. 14, line 2), and a clear laminate sheet, which is designed and fitted to the window of a portable telephone (col. 14, lines 29-32). Umezawa fails to disclose embodiments, where the laminated sheets provide cushioning for protection from physical shock.

Accordingly, Applicant respectfully requests the Examiner to withdraw the rejection of claims 1 and 13. Claims 5, 6, and 8-10 depend from claim 1 and are allowable at least for the reasons provided above for allowable claim 1.

Applicant notes that the Examiner failed to provide any details regarding the 102(b) rejections of claims 8-10. In the Office Action, the Examiner merely summarily indicated that claims 8-10 were rejected by Umezawa, and failed to provide any support whatsoever on how the features recited in claims 8-10 read on Umezawa’s disclosure.

Accordingly, Applicant respectfully requests the Examiner to provide with reasonable specificity the sections of the Umezawa reference that the Examiner is relying upon for the rejection of claims 8-10. Applicant requests that the Examiner provide these explanations in another non-final Office Action so Applicant can adequately respond to the rejections.

Claim Rejections – 35 USC §103

The Office Action indicated that claims 11, 12 and 14 are rejected under 35 USC 103(a) as being unpatentable over Umezawa in view of US Patent No. 6, 269,008 to Hsu (“Hsu”). Applicant submits the Examiner has failed to establish a *prima facie* case of obviousness and traverses this rejection.

Hsu merely teaches an electromagnetic shield, which includes a multi-walled cover with a peripheral gap between inner and outer walls. A shielding gasket may be mounted in the peripheral gap. The electromagnetic shield further includes a fence disposed within the peripheral gap and arranged for mounting on a printed circuit board. The electromagnetic shield provides a barrier to electromagnetic signals from being radiated between an interior of the electromagnetic shield and an exterior. (Col. 1, lines 48-55).

Claims 11 and 12 depend from claim 1 and thus include all of the features recited therein; claim 14 depends from claim 13 and includes all of the features recited therein. As provided above, Umezawa fails to teach all of the features recited in claims 1 and 13. Hsu fails to cure the deficiencies of Umezawa in this respect.

Accordingly, Applicant respectfully requests the Examiner withdraw the rejection to claims 11, 12, and 14.

Conclusion

In view of the above amendments and remarks, this application appears to be in condition for allowance and the Examiner is, therefore, requested to reexamine the application and pass the claims to issue.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the undersigned at telephone number (703) 205-8000, which is located in the Washington, DC area.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: July 13, 2005

Respectfully submitted,

By  #39,491
At D. Richard Anderson
Registration No.: 40,439
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Rd
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicant